

REMARKS/ARGUMENTS

Claims 1-23 and 25-40 were pending. Claims 1, 3-9, 12-15, 18-23, and 25-40 were rejected. Claims 2, 10, 11, 16, and 17 were objected to as depending from a rejected base claim. Claims 18-25, 39, and 40 are cancelled.

The applicant thanks the examiner for his indication of allowability for claims 2, 10, 11, 16, and 17. However, the applicant believes other pending claims are also allowable and offers remarks herein regarding their allowability.

Rejection of Claims 1 and 3-6 under 35 U.S.C. 103(a) over Wine et al. U.S. 6,245,590

The applicant notes that Wine et al. is commonly assigned herewith and has an overlapping inventive entity herewith.

In his response of 10/31/2006, the examiner indicated that one cannot show nonobviousness by attacking references individually. However, in his rejection, the examiner failed to cite more than a single reference. Thus the rejection was presumably over Wine in view of "ordinary knowledge." Since the examiner did not provide any explanation regarding the origin or nature of his supposed ordinary knowledge, the applicant simply had no alternative but to provide distinction of the current claims over the single cited reference with the proviso that what one is left with is too large a gap to bridge using "ordinary knowledge." The applicant invites the examiner to provide a substantive second reference if he wishes the applicant to provide a response to a second reference in combination with the cited reference.

Regarding his assertions of what Wine teaches, the examiner is incorrect.

Specifically, the examiner is incorrect in his assertion regarding the rejection of claim 1 that "...in order to achieve [modulating the intensity of the emitted light to a desired image] [sic] the receive [sic] energy must be known." The applicant notes that the statement is not made or reasonably suggested by Wine.

The examiner is incorrect in his parenthetical assertion that "modulating the

illumination source is in response to the received energy.” Such a statement is not made or reasonably suggested by Wine. The applicant notes that Wine’s modulation of the illumination source is responsive to decoded data, not received energy.

The examiner has not shown a teaching or suggestion by Wine that light scattered from a projected image is ever measured. The examiner has not shown a teaching or suggestion by Wine that an electronic controller is “operative to automatically vary the power of the first beam inversely proportionally to the received energy,” as recited by claim 1. Since the examiner has not shown Wine to teach measuring the light scattered from a projected image, Wine in combination with purported ordinary knowledge cannot provide any relationship between “energy scattered from the first beam” and controlling “the power of the first beam.”

Claim 1 is allowable for at least the reasons given above. Claims 3-6 depend from claim 1 and are allowable for at least the reasons given for claim 1.

Rejection of Claims 7-9, 12-15, 18-23, and 25-38 under 35 U.S.C. 102(b) over Wine et al. U.S. 6,245,590

As explained above, the examiner is incorrect in his assertion of what Wine teaches. Specifically, the examiner has not shown Wine to disclose or reasonably suggest “measuring the energy scattered from each of [a] plurality of spots in response to [a] first illumination pattern,” and “responsive to said measurement, automatically determining a second illumination pattern corresponding to a reduced range of scattered light energy,” as recited by claim 7.

Wine’s decoding electronic circuit 612, contrary to the examiner’s assertion, is not disclosed to provide “modulating the drive current of the illumination source 614.” Wine does not disclose a relationship between the decoding electronics 612 (used during image capture) and the buffer circuit 2200 (used during image projection), and does not disclose they may be used simultaneously. With no disclosed relationship, the buffer circuit 2200 cannot be

driven to provide an illumination pattern responsive to the received scattered energy. Contrary to the examiner's contention, there is no disclosure by Wine that "If the emitted [sic] is determined to be low (reduced range) or high (elevated range), the emitted light is modulated accordingly." With no such disclosure by Wine, the rejection is improper.

Claim 7 is allowable for at least the reasons given above. Claims 8-9 depend from claim 7 and are allowable for at least the reasons given for claim 7.

Claim 12 is allowable for reasons similar to those given for claim 7. Specifically, Wine does not disclose or reasonably suggest "a controller coupled to said detector and said frame buffer, said controller being responsive to the detection signal to adjust values in said frame buffer," as recited by claim 12. As described above, Wine does not disclose any relationship between the detector(s) and the frame buffer. Claims 13-15 depend from claim 12 and are allowable for at least the reasons given for claim 12.

Claim 26 is allowable for reasons similar to those given above for claim 7. Specifically, the examiner has not shown Wine to disclose or reasonably suggest illuminating a field of view with an illumination pattern that is responsive to energy scattered from the field of view. Because of this, Wine has not been shown to "automatically illuminat[e] [a] field-of-view such that said first spot receives said first [optimum] illumination energy and said second spot receives said second [optimum] illumination energy," as recited by claim 26. Claims 27-35 depend from claim 26 and are also allowable for at least the reasons given for claim 26.

Claim 36 is allowable for reasons similar to those given above for claim 7. As noted, Wine has not been shown to disclose or reasonably suggest a relationship between the decoding electronics 612 (used during image capture) and the buffer circuit 2200 (used during image projection). Accordingly, there can be no "leveling circuit coupled to said detector and responsive to said signal to modify the pattern in said frame buffer," as recited by claim 36. Thus claim 36 is allowable over Wine. Claims 37-38 depend from claim 36 and are also allowable for at least the reasons given for claim 36.

Applicant respectfully requests that the Examiner withdraw the rejection/objection of claims 1-23 and 25-40 in view of applicant's remarks and issue an allowance for claims 1-17 and 26-38. Should any additional fees be required, please charge them to Deposit Account No. 07-1897.

If the Examiner believes that a telephone interview would be helpful, he is respectfully requested to contact the Applicant's agent at (425) 455-5575.

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Respectfully submitted,

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